APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/054,597	04/03/1998	JOACHIM POSEGGA	2345/39	2757

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EXAMINER
ESCALANTE, OVIDIO

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/054,597	POSEGGA, JOACHIM
	Examiner	Art Unit	
	Ovidio Escalante	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 December 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to applicant's response filed on December 3, 2004. **Claims 1-**

20 are now pending in the present application.

Claim Rejections - 35 USC § 102

2.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

3.   Claims 1,2,5,7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Ahlin

et al. U.S. Patent 5,321,840 (hereinafter Ahlin).

Regarding claim 1, Ahlin discloses of an apparatus (user terminal 2,10 and network

server 8) for using a service made available in a telecommunications network (Ahlin discloses

e.g. of the service being a financial service which is made available to the user; col. 7, lines 32-

50; col. 11, lines 42-52), the apparatus comprising:

at least one network server (8) having a user interface program, (col. 7, lines 32-48; col.

11, lines 42-49), (The network server, which is the host computer, has series of application

programs for use by a terminal (telephone-computer 2 or PC terminal 10)), the user interface

program being-configured to implement the service, (col. 7, lines 32-50; col. 11, lines 37-52);

a user-side terminal (2 – Fig. 1), the user side terminal being capable of connection to the

at least one network server, (Fig. 1, col. 7, lines 35-42; col. 11, lines 42-49), (The user may

connect and communicate to the network server via conventional telephone lines as shown);

a control and operating device (10) executing a user interface to control and operate the

service, (col. 7, lines 42-50; col. 8, lines 9-28), (the user terminal will operate the program

(service) that was downloaded from the network server by providing instructions to the user);

wherein the control and operating device is assigned to the user-side terminal (telephone-computer) and the at least one network server transmits (downloads) the user interface program to the control and operating device before service is used, (col. 11, lines 37-65), the user side terminal capable of being independent of the service so that the service does not depend upon an associated application previously stored in the user-side terminal, (the user side terminal is independent of the service since the service is downloaded every time a user requests the service and the service does not check for prior versions stored in the user-side terminal).

Regarding claim 2, Ahlin teaches the user side terminal includes a telephone (2), (Fig. 1).

Regarding claim 5, Ahlin teaches of the microphone in the telephone being used for inputting speech and the control and operating device is used for displaying text, (col. 7, line 64-col. 8, line 52).

Regarding claim 7, Ahlin teaches the control and operating device includes a computer (10), (Fig. 1).

Regarding claim 10, Ahlin discloses of a method using a service made available in a telecommunications network wherein at least one network server stores at least one user interface program, (col. 7, lines 32-48; col. 11, lines 42-49), the at least one user interface program providing operating functionality, said method comprising:

using a user-side control and operating device (10) to request the at least one user interface program to be transmitted from the at least one network server to the control and operating device before the service is used, (col. 11, lines 42-49); and

executing the user interface program by the control and operating device, so that an

operator can control and operate the service through a user interface, (col. 7, lines 35-42; col. 11,

lines 37-52),

wherein the user-side control and operating device or terminal is configured independent

of the service, (col. 8, lines 9-28; col. 11, lines 37-65) so that the service does not depend upon

an associated application previously stored in the user-side terminal.

Claim Rejections - 35 USC § 103

4.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

5.   Claims 3-4, 6, 8-9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ahlin in view of Dekelbaum U.S. Patent 5,838,682.

Regarding claims 3, while Ahlin teaches of being able to provide the user with as many

various services, Ahlin does not expressly teach of the service including a speech recognition

system.

Dekelbaum teaches of a system which provides Internet applications to the user.

Dekelbaum further teaches of the system comprises of a speech recognition system, (col. 14 lines

38 – 40). The system receives user inputs from the user telephone and uses the user's speech for

playback to an operator or to send to a speech recognition system to input the speech from the

user onto the screen for display to an operator. All user inputs whether by DTMF or speech is

sent to the operator workstation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the system of Ahlin by using speech recognition in the system as

taught by Dekelbaum so that the system can display speech in the form of text to the user and so that the user can verbally respond to the received service.

Regarding claim 4, Ahlin, as applied above, teaches of connecting to the network server via a conventional telephone line. Ahlin does not expressly teach of the apparatus comprising an ISDN line connected to the at least one network server.

Dekelbaum teaches connecting to the network server a via an ISDN connection. Dekelbaum further teaches a first channel of the ISDN line being assigned to the user side terminal and a second channel of the ISDN line being assigned to the control and operating device, (col. 6, lines 44 – 62, col. 14, lines 58 – 61).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ahlin by using and ISDN connection as taught by Dekelbaum so that there can be a faster connection and data speed, between the user device and network server.

Regarding claims 6, 8, 9, 11 and 13, Ahlin does not expressly teach of the control and operating device or the terminal including a JAVA processor or a JAVA execution-time environment.

Dekelbaum teaches of using JAVA in the system, (col. 12 lines 35 – 36). JAVA is used for sending to the user applets with the program.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ahlin by using JAVA so that programs can be left on web pages which will allow the programs to be downloaded over the Internet.

Regarding claim 12, Ahlin, as applied to claim 11, does not expressly teach of the
service providing processing of speech into text.

Dekelbaum teaches of speech-to-text conversion and the display of the text being carried
out using the control and operating device and conversion of speech into text being carried out
by the at least one network server, (col. 14, lines 32 – 48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the
invention was made to modify the system of Ahlin by using speech recognition in the system as
taught by Dekelbaum so that the system can display speech in the form of text to the user.

Regarding claim 14, Ahlin does not teaches of the user interface program being
transmitted as a JAVA applet or of speech to text conversions, as applied above.

Dekelbaum teaches of transmitting user programs as JAVA applets, (col. 12, lines 35 –
36). Dekelbaum further teaches of speech-to-text conversion and the display of the text being
carried out using the control and operating device and conversion of speech into text being
carried out by the at least one network server, (col. 14, lines 32 – 48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the
invention was made to modify the system of Ahlin by providing JAVA applets so that the
network server can send programs to the user through the Internet and it would have been
obvious to further modify the system by providing speech to text conversions so that the user
responses via the user terminal can be displayed on a terminal screen.

6.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlin in view of
Bergler et al. US Patent 5,717,927.

Regarding claims 15, Ahlin discloses of an apparatus (user terminal 2, 10 and network

server 8) for using a service in a telecommunication network, (col. 7, lines 32-50 col. 11, lines

42-52), the apparatus comprising:

means for providing at least one user interface providing an operating functionality, (col.

7, lines 32-48; col. 11, lines 42-49);

means for serving a network and for storing at least one user-interface, (col. 7, lines 35-

42);

means for requesting transmission of the at least one user-interface to the means for

requesting, before the service is used, (fig. 1; col. 7, lines 42-49);

means for executing the at least one user interface so that the service in controllable and

operable by the user through the at least one user interface, (col. 7, lines 42-50; col. 8, lines 9-

28);

wherein the means for serving a network and for storing at least one user-interface is

capable of being independent of the service so that the service does not depend upon an

associated application previously stored in the means for serving a network and for storing at

least one user-interface, (col. 11, lines 37-65).

While Ahlin does not specifically teach of removing the user interface after the service is

used, Ahlin teaches of having a system transmitting the interface and temporary storing the

interface in the RAM. One skilled in the art would have known that the interface program would

have to be "removed" since data stored in a RAM is not meant to be permanently stored.

Nonetheless, in the same field of endeavor, Bergler teaches that it was well known in the art to store downloaded programs in the RAM or erasable memory and to remove the program after it is used, (col. 2, lines 46-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ahlin by removing the user interface as taught by Bergler so that memory space can be reduced.

7.   Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlin in view of Bergler and further in view of Dekelbaum.

Regarding claims 16 and 17, Ahlin and Bergler do not teach of the user interface program being transmitted as a JAVA applet or of speech to text conversions, as applied above.

Dekelbaum teaches of transmitting user programs as JAVA applets, (col. 12, lines 35 – 36). Dekelbaum further teaches of speech-to-text conversion and the display of the text being carried out using the control and operating device and conversion of speech into text being carried out by the at least one network server, (col. 14, lines 32 – 48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ahlin by providing JAVA applets so that the network server can send programs to the user through the Internet and it would have been obvious to further modify the system by providing speech to text conversions so that the user responses via the user terminal can be displayed on a terminal screen.

Regarding claim 18, Dekelbaum teaches of a system which comprises of a speech recognition system, (col. 14, lines 38 – 40). The system receives user inputs from the user

telephone and uses the user's speech for playback to an operator or to send to a speech

recognition system to input the speech from the user onto the screen for display to an operator.

Dekelbaum further teaches of a first channel of the ISDN line being assigned to the user

side terminal and a second channel of the ISDN line being assigned to the control and operating

device, (col. 6, lines 44 – 62, col. 14, lines 58 – 61).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the system of Ahlin by using and ISDN connection as taught by

Dekelbaum so that there can be a faster connection and data speed, between the user device and

network server.

Regarding claim 19, Ahlin teaches of a telephone including a microphone for inputting

speech and the control and operation device including a computer to display text, (col. 7, line 64-

col. 8, line 52).

Regarding claim 20, Ahlin does not specifically teach of the control and operating device

or the terminal including a JAVA processor or a JAVA execution-time environment.

Dekelbaum teaches of using JAVA in the system, (col. 12 lines 35 – 36). JAVA is used

for sending to the user applets with the program.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the system of Ahlin by using JAVA so that programs can be left

on web pages which will allow the programs to be downloaded over the Internet.

Response to Arguments

8.   Applicant's arguments filed December 3, 2004 have been fully considered but they are

not persuasive.

Applicant contends that Ahlin which states that "[o]ne essential function of the network host computer 8 is to provide a service of application program 'pages' which are downloaded to the home terminal 2 or 10 and which provide it with sufficient information that it can supply the user with sufficient 'prompts' to elicit from the user whatever information-user codes, desired transaction, and the like- is required to access one of a plurality of service computers 20a-d to which the network host computer 8 is connected" and thus is in direct contract to at least claim 1 of their invention. The Examiner respectfully disagrees.

Claim 1, specifically states "the at least one network server transmits the user interface program to the control and operating device". The Examiner believes that this is not in contrast to the teachings of Ahlin since Ahlin states that the application program 'pages' are transmitted to the home terminal 2 or 10.

9.   Applicant's arguments with respect to claims 15-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10.   Any response to this action should be mailed to:

> Commissioner for Patents
> P.O. Box 1450
> Alexandria, Virginia 22313-1450

or faxed to:

> (703) 872-9306, (for formal communications intended for entry)

Or:

> (703) 872-9306, (for informal or draft communications, please label
> "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

220 20th Street S.
Crystal Plaza two, Lobby, Room 1B03
Arlington, VA 22202

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 703-308-6262 (571-272-7537 After March 22, 2005). The Examiner can normally be reached on M-F (6:30AM - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 703-305-4895 (571-272-7547 After March 22, 2005). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OVIDIO ESCALANTE
PATENT EXAMINER

Ovidio Escalante

Ovidio Escalante
Examiner
Group 2645
January 28, 2005

O.E./oe